

October 5, 2004

Mr. Art Williams
Director
Air Pollution Control District
850 Barret Ave.
Louisville, KY 40204-1745

Re: Proposed STAR Program

Dear Art,

I am writing in reference to your proposed STAR program regulations. The Greater Louisville, Inc. comments on the regulations are well taken and I agree with them. I make the following additional comments concerning proposed regulation 5.23, specifically the categories of substances listed.

The categories from 1a down appear to be based on insufficient data to warrant address in such a rigorous fashion. If my understanding is correct then the only criterion for inclusion in category 1a was reporting of releases in Jefferson County under the Toxic Release Inventory. Other categories were developed and substances included based on risk factors which may not be relevant to our situation since the substances have not been shown to be emitted in a manner posing significant risk. The facts of the number and size of releases reported would not seem to warrant special treatment for these substances.

The mere fact of a release reported via the TRI does not seem to require special treatment above and beyond the KY Air Toxics Regulations already in place unless demonstrated otherwise. Those suspected to be otherwise have been placed in Category 1. Inclusion in any list above and beyond the KY Air Toxics regulation should be based only upon a clearly defined risk. Several of the compounds in the Category 1a list are only emitted in extremely small amounts and for others the only significant releases are accidental which is covered appropriately by other regulations. There would seem to be no significant risk to the community posed by these releases. In addition, for many of these compounds there are many more emitters than those who submit release information under the TRI.

After reviewing this list I would recommend that the 1a category be eliminated and that categories 1a, 2 and 3 be reviewed for reductions in size of the lists or elimination altogether. In fact, since no specific threat to the community has been identified other than just the presence of these substances then dealing them only as required by the Kentucky Air Toxics Regulations would seem to be effective. Failing that, realistic *de minimis* release rates should be established which would not require fruitless extraordinary efforts on the part of facilities. The *de minimis* rates should cover both normal and emergency releases. If we are going to take the approach which is proposed in the regs then establishment of a *de minimis* level similar to the PEL/STEL approach would make sense, especially for the purposes of maintenance and small accidental releases.

It would seem that reduction in scope of the lists of substances to be so regulated would be beneficial in terms of effectiveness. This would allow more focused efforts on substances identified in Category 1 as being a potential risk to the community.

Respectfully,

Tom Pentecost, PE, CHMM